

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEMITRIUS E. ALSTON,

Defendant.

8:17CR55

ORDER

This matter is before the Court on the government's Motion to Continue Trial (Filing No. 37). The government's motion is based on the unavailability of a critical witness, and a pending Motion in Limine. The Motion to Continue is denied.

A review of the docket shows that trial was set for July 18, 2017 by Court Order (Filing No. 29) on June 21, 2017. The pending Motion in Limine has been set for hearing by Text Order (Filing No. 35) for July 17, 2017 at 1:00 p.m. before Chief Judge Smith Camp.

While the government's Motion to Continue states that the critical witness is unavailable because of an absence "planned for several months," the motion fails to inform the Court as to why the government waited almost three weeks from the trial setting, and one week before the actual trial to inform the Court of the possible unavailability of a "critical witness."

Given the defendant's objection to the Motion, and the above facts, I find that the Motion to Continue Trial (No. 37) should be denied as the ends of justice are not served by granting the continuance.

IT IS ORDERED:

1. The government's Motion to Continue Trial [37] is denied without hearing.

Dated this 12th day of July, 2017.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge